REMARKS

Reconsideration of the application is requested.

Claims 9 and 11, 12 and 14-19 remain in the application.

Claims 9, 11, 12 and 14-19 are subject to examination.

Claims 9, 14 and 19 have been amended. Claims 10 and 13

are/were canceled.

Under the heading "Claims Rejections - 35 USC § 103" on pages

2-9 of the above-identified Office Action, claims 9, and 11-

19 have been rejected as being obvious over U.S. Patent No.

5,898,687 to Harriman et al. (hereinafter Harriman) in view

of U.S. Patent No. 6,483,843 to Mauger (hereinafter Mauger)

and further in view of U.S. Patent 4,135,156 to Sanders Jr.,

et al. (hereinafter Sanders) under 35 U.S.C. § 103.

Applicant respectfully disagrees with the Examiner's

statement that Harriman discloses with Fig. 1, that elements

112 and 115 perform the step of temporarily "storing of data

packets at an input of the switching system" as recited in

the third paragraph of claims 9 and 19 of the instant

application.

According to Fig. 1 and the corresponding description from

column 3, line 66 to column 4, line 6 of Harriman, the

element 112 is defined as a shared memory store unit having

storage locations typically composed of random access memory

devices addressable by the CPU and ports. The temporary

storing of the data packets in element 112 occurs in the

heart or middle of the switching system according to

Harriman. In contrast, the invention of the instant

application teaches that the data packets are stored at the

input of the switching system, because the switching system

must be able to work with comprehensive time-consuming table

references (look up tables) used by higher-level protocols.

Therefore, it is necessary for the complete data packet to be

temporarily stored before a decision can be made about the

destination for forwarding the data packet (see the

specification of the instant application; page 6, lines 4 to

10).

Further, regarding independent claims 9 and 19 of the instant

application, applicants respectfully disagree with the

Examiner's opinion that Harriman discloses with Fig. 1, and

elements 114, 130, 132, 134, 136, teaches the step of sending

only a message, if a data packet is received for transmitting

to another switching system, to an output of the switching

system (as recited in the fourth paragraph of claims 9 and 19

of the instant application).

The message according to the invention of the instant

application does not correspond to the header of a data

packet as in Harriman, because when each data packet arrives

at the switching system, only a message is sent to the output

of the switching system and is placed into the queue there.

In this way and therefore according to the invention of the

instant application, the transmission of data (data packet)

and the transmission of the information (message) for

defining the sequence of transmission of the data are

independent of one another (see page 2, lines 21 to 32 of the

specification of the instant application).

If the header from the data packet would be used as in

Harriman, there would be no independence of the transmission

of the data and the transmission of the information for

defining the sequence for transmission of the data. Further,

the header has to be extracted by the extracting circuit 114

according to Harriman before it could be used as a message.

But the extraction step costs or requires additionally clock

cycles, which is another disadvantage of the header according

to Harriman being used as a message.

Further, Harriman lacks the feature recited in the fifth

paragraph of claims 9 and 19, because Harriman does not use

messages, which are independent of the data packet of the

respective cell.

In contrast to the Examiner's opinion, Mauger does not disclose a message containing inter alia information about the length of the data packet, because like Harriman, Mauger does not use a message that is independent from the data packet or cell, but Mauger uses the cell of a header (see Mauger, column 3, lines 28 to 32).

In addition, claims 9 and 19 have been amended and now incorporate the features of original claim 13.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 9 and 19. Claims 9 and 19 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 9.

In view of the foregoing, reconsideration and allowance of claims 9, 11, 12 and 14-19 are solicited.
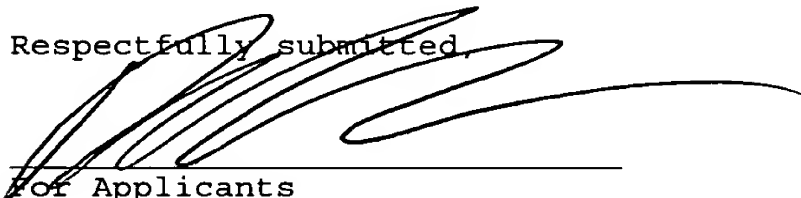
Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to

Section 1.136(a) in the amount of $420.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

For Applicants

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REL:cgm

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